

Exhibit “M”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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THIS DOCUMENT RELATES  
TO:

All Actions

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VIDEOTAPED DEPOSITION OF
DEBRA SCHAMBERG, R.N.

9:06 a.m.
February 4, 2015

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Also Present:
Daniel Makowski, Videographer
Scott Butler

1 Q. And so have you continued to serve as the
2 facility director for St. Thomas Neurosurgical since
3 2009?

4 A. Yes, I have.

5 Q. And describe your duties as the facility's
6 director.

7 A. I oversee the day-to-day operations of the
8 facility.

9 Q. And what does that include?

10 A. I oversee the whole -- the staff and the
11 running of the facility, anything that's a part of the
12 clinical side.

13 Q. Are you an employee of Howell Allen Clinic?

14 A. Yes, I am.

15 Q. And are all the people who work at St.
16 Thomas Neurosurgical employees of Howell Allen Clinic?

17 A. Yes, they are.

18 Q. And how many people do you supervise?

19 A. Probably -- I do have some part time so --
20 and PRN. On a basis, usually 13.

21 Q. And those 13 people, what types of jobs do
22 they comprise?

23 A. I have registered nurses, LPN, medical
24 assistants and secretaries and x-ray technician.

25 Q. Okay. So would it be fair for me to

1 St. Thomas Neurosurgical and Howell Allen Clinic did
2 not provide you with any special training other than
3 the on-the-job experience that you mentioned for you
4 to fulfill the role as facility director; is that
5 true?

6 A. I -- it wasn't necessary.

7 Q. All right. And did you provide -- did
8 anyone provide you with any special training about how
9 to go about evaluating drug suppliers or pharmacies?

10 A. In my 30 years of nursing, we're -- and
11 working in the OR, you're constantly doing that.

12 Q. So I understand that your testimony is that
13 you have experience in that regard, but I guess my
14 question to you is: Did Howell Allen Clinic or St.
15 Thomas Neurosurgical or St. Thomas Hospital or St.
16 Thomas Health ever provide you with any particular
17 training about how to evaluate a compounding pharmacy
18 or any other type of drug supplier?

19 A. St. Thomas Hospital had nothing to do with
20 my job, first of all. My training is ongoing. I'm
21 not sure how to -- what you're looking for on this,
22 sir.

23 Q. All right. So am I correct in
24 understanding that Howell Allen Clinic and St. Thomas
25 Neurosurgical never provided you with any specialty

1 Q. So revenue was not a concern in the least
2 when you learned about this so-called shortage; is
3 that true?

4 A. If we can't do procedures, then I have to
5 lay off staff. We can't take care of our patients.

6 Q. So does that mean, yes, you were concerned
7 about revenues?

8 A. Well, then, yes, from that aspect of it.

9 Q. Other than Dr. Culclasure, did you speak
10 with anyone else about whether it would be wise to
11 purchase materials from NECC?

12 A. Not that I recall.

13 Q. Did you have any conversations with anybody
14 at St. Thomas Hospital?

15 A. No.

16 Q. Did you have any conversations with anyone
17 on the board of St. Thomas Neurosurgical?

18 A. Regarding?

19 Q. Regarding switching to NECC.

20 A. No.

21 Q. Did you have any conversations with any of
22 the neurosurgeons at Howell Allen Clinic?

23 A. No.

24 Q. And at the time you and Dr. Culclasure made
25 the decision to start purchasing this material from

1 to the Omnipaque.

2 Q. Okay. So did that statement by Dr.
3 Manchikanti raise any red flags in your mind about the
4 safety of purchasing from NECC?

5 A. Not that I recall.

6 Q. Did you discuss this e-mail with
7 Dr. Culclasure?

8 A. I don't remember.

9 MR. NOLAN: Why don't we take a short
10 break.

11 THE WITNESS: Okay.

12 VIDEOGRAPHER: We're off the record.

13 This is the end of Tape No. 3. The time is
14 2:42 p.m.

15 (A recess was taken.)

16 VIDEOGRAPHER: Here begins Tape No. 4
17 in the deposition of Debra Schamberg.

18 We're back on the record and the time is
19 2:57 p.m.

20 Q. (By Mr. Nolan) Ms. Schamberg, during the
21 shortage that you've mentioned, did you ever approach
22 the St. Thomas Plaza Pharmacy about whether they could
23 supply MPA to your facility?

24 A. Not that I recall.

25 Q. Is there any particular reason why you

1 didn't approach the St. Thomas Plaza Pharmacy?

2 A. They're -- that's not something I would
3 order from.

4 Q. Now, I want to get back to the two reasons
5 that you initially mentioned as to why you -- what you
6 call the primary reasons for going with NECC, the
7 shortage, and I think you said that having a truly
8 preservative-free MPA product was better for the
9 patients. Have I characterized that fairly?

10 A. Yes, those are the main reasons.

11 Q. Okay. So who told that you it was better
12 for the patients?

13 A. I went on Dr. Culclasure's recommendation.

14 Q. Okay. Did you do any independent research
15 on that particular issue?

16 A. No.

17 Q. Did you ever inquire as to whether
18 CuraScript or Clint Pharmaceuticals could provide a
19 truly preservative-free steroid?

20 A. They provided me what they said was a
21 preservative-free, but we know that it did have
22 alcohol in it, but they considered it
23 preservative-free.

24 Q. Did -- so if I understand it, there are
25 some differences between Depo-Medrol -- brand name

1 Dr. Culclasure's decision to begin purchasing from
2 NECC; is that true?

3 A. We did not use this for NECC.

4 Q. Do you know why changes to the formulary
5 require, I guess, three levels of review, the medical
6 director, the medical executive committee and
7 ultimately the board?

8 A. It just goes through the chain of command
9 to make sure everyone knows.

10 Q. And would you agree that adding drugs for
11 use in the clinic without appropriately amending the
12 formulary and going through that review could be
13 dangerous for patients?

14 MR. GIDEON: Objection to the form.

15 THE WITNESS: Not necessarily, I
16 don't.

17 Q. (By Mr. Nolan) Did you ever talk with a
18 pharmacist named Martin Kelvas at St. Thomas Hospital?

19 A. Not that I recall.

20 Q. What about Carmen Leffler?

21 A. Not that I recall.

22 Q. How did you first learn that there was a
23 problem in September -- I think you said on September
24 the 18th, 2012? How did you first become aware that
25 there was a problem with a potential meningitis issue?

1 identification.)

2 MR. REHNQUIST: Objection.

3 THE WITNESS: Yes.

4 Q. (By Mr. Schramek) And these -- the one
5 we're looking at here is called medication errors.

6 A. That is correct.

7 Q. And you're familiar with this policy?

8 A. Sort of at the moment.

9 Q. Yeah. And it says at the top its purpose
10 is to prevent, detect and resolve drug-related
11 problems that can result in patient harm; correct?

12 A. Correct.

13 Q. And when we look at the definition of a
14 medication error, it talks about medication errors
15 being preventable. Any preventable event that could
16 lead or cause to inappropriate patient use or
17 medication -- or patient harm; right?

18 MR. GIDEON: I object to the form.

19 That's not an accurate rendition of the
20 sentence you just referred to.

21 MR. SCHRAMEK: Sure. Let me re-read
22 it.

23 Q. (By Mr. Schramek) The first sentence says,
24 "A medication error is any preventable event that may
25 cause or lead to any inappropriate medication use or

1 patient harm while the medication is in the control of
2 the healthcare professional, patient or consumer."

3 A. That is what it says.

4 Q. Did I read that correctly?

5 So that's what this policy is talking
6 about; right?

7 A. Correct.

8 MR. REHNQUIST: Objection.

9 Q. (By Mr. Schramek) And if we go to the last
10 page on reporting, it says that nursing and pharmacy
11 will report medication errors to the MEC for their
12 review; correct?

13 A. Correct.

14 Q. And the MEC we talked about earlier; right?
15 The MEC is the medical executive committee; right?

16 A. That is correct.

17 Q. The medical executive committee is -- who
18 are the four persons on it?

19 A. Dr. Jason Hubbard, Scott Butler, Shreka
20 Rogers and Christy Ebert.

21 Q. And no one on the medical executive
22 committee is employed by any of the St. Thomas
23 entities; correct?

24 MR. REHNQUIST: Objection.

25 THE WITNESS: That is correct.

1 Q. (By Mr. Schramek) And you as the
2 director -- facilities director, this is one of the
3 policies that you also are in charge of overseeing;
4 right?

5 MR. REHNQUIST: Objection.

6 THE WITNESS: Correct.

7 Q. (By Mr. Schramek) And, in fact, if we look
8 at the top of Page STOPNC_300, it says, "The medical
9 staff, in collaboration with the nursing and other
10 staff as appropriate, shall periodically assess its
11 definition of a significant medication error and the
12 mechanism's effectiveness to detect significant
13 medication errors."

14 Did I read that correctly?

15 A. You did.

16 Q. And with respect to this policy, this is a
17 policy through you and the MEC that is aimed at
18 resolving, addressing medication errors; fair?

19 MR. REHNQUIST: Objection.

20 MR. STRANCH: Objection to the form.

21 THE WITNESS: Yes.

22 Q. (By Mr. Schramek) And is this a policy
23 that you followed during your work at STOPNC as the
24 facility's director?

25 A. This is the policy we would follow.

1 you as facilities director in consultation with
2 Dr. Culclasure?

3 A. That is correct.

4 Q. And I think you've said this a few parts
5 throughout the day, but I want to be clear. None of
6 the St. Thomas entities had anything to do with the
7 decision of STOPNC to begin acquiring product from
8 NECC?

9 A. That is correct.

10 MR. STRANCH: Objection to form.

11 Q. (By Mr. Schramek) If we could go to
12 Exhibit 39 real quickly. It's that -- that kind of
13 big exhibit full of e-mails and invoices. Do you have
14 it in front of you?

15 A. Yes.

16 MR. REHNQUIST: I'm sorry, can you
17 say that number again.

18 MR. SCHRAMEK: Exhibit 39, Bates
19 STOPNC_2386 is the cover.

20 Q. (By Mr. Schramek) The top e-mail of that
21 packet was from a -- from you to Marlesa Allen --
22 Marlese Allen; correct?

23 A. Marlese, yes, sir.

24 Q. And I think later in the -- in the
25 deposition, we learned that she's the director of HR

1 Do you remember saying that?

2 A. Yes.

3 Q. And that's reflected by the fact that you
4 have a very small formulary; right?

5 A. Correct.

6 MR. REHNQUIST: Objection.

7 Q. (By Mr. Schramek) Is it fair to say
8 that -- can you tell me what is the relationship, if
9 any, between the STOPNC formulary on Exhibit 40 and,
10 for example, St. Thomas Hospital's formulary.

11 MR. STRANCH: Objection, foundation.

12 THE WITNESS: That I couldn't -- you
13 know, I don't think that would even be
14 close, but I can't -- I don't know what's
15 all on St. Thomas's formulary.

16 Q. (By Mr. Schramek) Have you ever seen the
17 formulary?

18 A. No.

19 Q. In connection with your work in STOPNC, did
20 you ever have any interaction with the formulary?

21 A. For St. Thomas Hospital?

22 MR. STRANCH: Objection.

23 Q. (By Mr. Schramek) Hospital.

24 A. No.

25 Q. Do you personally -- do you believe that

1 the St. Thomas Hospital formulary has anything to do
2 with STOPNC?

3 MR. STRANCH: Objection.

4 MR. NOLAN: Objection to the form.

5 THE WITNESS: No.

6 Q. (By Mr. Schramek) And it doesn't appear
7 that your formulary, in fact, changed since 2007; is
8 that right?

9 A. At that time.

10 Q. And just so the record's clear, at the
11 bottom of these policies, it says what the date
12 written was, the dates they were reviewed, and then
13 the dates they were revised; correct?

14 A. Correct.

15 Q. When you want to determine whether a policy
16 has changed, that's what you look at; right?

17 A. Yes.

18 Q. We had some talk about what's referred to
19 as the St. Thomas -- I believe the Medical Plaza. Is
20 that the right term for it?

21 A. Yes.

22 Q. And that's the office building essentially
23 in which STOPNC rents space?

24 A. Correct.

25 MR. NOLAN: Objection to the form.

DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: "Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer or the referral source for the deposition, with any party to the litigation, counsel to the parties, or other entity. Such form shall be attached to the deposition transcript," I make the following disclosure:

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Blanche J. Dugas
CCR No. B-2290

1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3
4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers
7 thereto were reduced to typewriting under
8 my direction; that the foregoing pages
9 represent a true, complete, and correct
10 transcript of the evidence given upon said
11 hearing, and I further certify that I am
12 not of kin or counsel to the parties in the
13 case; am not in the employ of counsel for
14 any of said parties; nor am I in any way
15 interested in the result of said case.

16
17 February 10, 2015

18
19
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21
22
23
24
25

CAPTION

The Deposition of DEBRA SCHAMBERG, RN,
taken in the matter, on the date, and at the time and
place set out on the title page hereof.

It was requested that the deposition be
taken by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and
the parties that the Deponent will read and sign the
transcript of said deposition.